

1 Jonathon Kaplan, Esq. – State Bar No. 150838
2 kaplan@kaplanweiss.com
3 Yitz E. Weiss, Esq. – State Bar No. 244452
4 weiss@kaplanweiss.com
5 KAPLAN WEISS LLP
6 355 South Grand Avenue, Suite 2450
7 Los Angeles, CA 90071
8 Telephone: (213) 553-4550
9 Facsimile: (213) 553-4590

6 Attorneys for Plaintiff,
SALINA RUELAS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 || SALINA RUELAS, an individual,

No. 1:23-cv-00742-SAB

12 Plaintiff,

**FIRST AMENDED COMPLAINT
FOR VIOLATION OF FEDERAL CIVIL
RIGHTS (42 U.S.C. § 1983)**

14 CITY OF SANGER, a public entity;
15 SANGER POLICE DEPARTMENT, a
16 public entity; J. DESHAWN
TORRENCE, an individual; and DOES 1
through 15, inclusive,

DEMAND FOR TRIAL BY JURY

17 || Defendant.

19 Plaintiff SALINA RUELAS alleges:

JURISDICTION

21 1. This action was removed to the United States District Court by Defendants, City of
22 Sanger and the Sanger Police Department, pursuant to 28 U.S.C. § 1441(a) based on this Court's
23 original jurisdiction over plaintiff's claims under 28 U.S.C. § 1331, as the claims arise under the
24 Constitution and laws of the United States, specifically, 42 U.S.C. § 1983 and the Fourth and
25 Fourteenth Amendments to the United States Constitution.

VENUE

27 2. The conduct alleged herein occurred and the claims arose in the Eastern District.

PARTIES

3. Plaintiff SALINA RUELAS (“RUELAS”) is and was at all times mentioned in this complaint an individual woman residing in Fresno County, California and a citizen of the United States.

4. Defendant CITY OF SANGER is and was at all times mentioned in this complaint a public entity organized and existing under the laws of the State of California.

5. Defendant SANGER POLICE DEPARTMENT is and was at all times mentioned in this complaint a public entity organized and existing under the laws of the State of California. SANGER POLICE DEPARTMENT is a department of CITY OF SANGER for whom it provides official police services.

6. Defendant J. DESHAWN TORRENCE (“TORRENCE”) is and was at all times mentioned in this complaint an individual and an employee and officer of CITY OF SANGER and SANGER POLICE DEPARTMENT. TORRENCE was acting within the course and scope of his employment, which was incidental to the enterprise of SANGER POLICE DEPARTMENT, and the wrongful acts alleged against him herein flow from the exercise of his authority. Plaintiff is informed and believes TORRENCE is a resident of Fresno County, California and a citizen of the United States. TORRENCE is sued herein in his individual and official capacities.

7. Plaintiff does not know the true names of defendants DOES 1 through 15, inclusive, and therefore sues them by those fictitious names. Plaintiff is informed and believes that each of those defendants was in some manner responsible for the events and happenings alleged in this complaint and for plaintiff's injuries and damages.

8. Defendants were the agents, employers, employees, partners, joint venturers, co-conspirators and/or alter egos of their co-defendants, and in doing the things hereinafter alleged, were acting within the course and scope of that relationship with the advance knowledge, acquiescence, aid, assistance, authorization and/or subsequent ratification of their co-defendants. Each defendant acted under the color of authority of the State of California, and each defendant jointly engaged in tortious activity, resulting in the deprivation of plaintiff's Constitutional rights and other injury, damage and harm to plaintiff.

COUNT ONE

VIOLATION OF FEDERAL CIVIL RIGHTS

(42 U.S.C. § 1983)

Against All Defendants

5 9. TORRENCE sexually assaulted multiple victims from in or before August 2017 to
6 July 2021, while he was engaged or purporting to be engaged in his official duties as an officer of
7 SANGER POLICE DEPARTMENT and CITY OF SANGER. During this time, TORRENCE,
8 under color of law and with no legitimate law-enforcement purpose, made sexual demands upon
9 and coerced multiple women to engage in nonconsensual sexual activities, including groping and
10 fondling of intimate body parts and oral copulation. TORRENCE intentionally deprived each of
11 these victims of their fundamental right to bodily integrity, which is secured and protected by the
12 Constitution and laws of the United States, including by rights afforded under the Fourth
13 Amendment to the United States Constitution to be secure against unreasonable searches, seizures
14 and wrongful arrests and detention without probable cause and the Fourteenth Amendment to the
15 United States Constitution guaranteeing due process and equal protection of law.

16 10. Frequently and on multiple occasions between September 2020 and May 2021,
17 while he was engaged or purporting to be engaged in his official duties as an officer of SANGER
18 POLICE DEPARTMENT and CITY OF SANGER, under color of law and with no legitimate
19 law-enforcement purpose, defendant TORRENCE made sexual demands upon and sexually
20 assaulted RUELAS, including by groping her breasts and body parts and forcing her to orally
21 copulate his penis. RUELAS did not consent to these sexual demands and acts. TORRENCE
22 coerced RUELAS by threatening her with, among other things, physical violence, adverse law-
23 enforcement actions and loss of her children if she refused or reported him and promising
24 favorable intervention in a child custody matter if she submitted. When RUELAS refused or
25 resisted TORRENCE's sexual demands and assaults, TORRENCE retaliated. By engaging in
26 these acts, TORRENCE intentionally deprived RUELAS of her fundamental right to bodily
27 integrity, which is secured and protected by the Constitution and laws of the United States,
28 including by rights afforded under the Fourth Amendment to the United States Constitution to be

1 secure against unreasonable searches, seizures and wrongful arrests and detention without
2 probable cause, and the Fourteenth Amendment to the United States Constitution guaranteeing
3 due process and equal protection of law.

4 11. Defendants CITY OF SANGER and SANGER POLICE DEPARTMENT failed to
5 promptly investigate complaints of TORRENCE's misconduct, failed to properly discipline
6 TORRENCE and others for this misconduct, allowed a policy of and/or a pattern and practice of
7 sexual assault and unlawful discrimination, harassment and retaliation, and allowed
8 TORRENCE's and other's misconduct to occur and continue by failing to investigate and
9 discipline previous complaints of sexual assault and misconduct against other officers and against
10 TORRENCE.

11 12. Defendants' acts described herein were closely related and constituted a
12 continuing violation. Defendants' acts were taken pursuant to a policy and/or were part of a
13 pattern and practice of repeated Constitutional violations, which includes systematic and
14 widespread sexual misconduct, discrimination and harassment on the basis of sex, retaliation for
15 resisting, opposing and/or reporting discrimination and harassment on the basis of sex, failing to
16 investigate complaints of sexual misconduct by police officers acting under color of law, and
17 failing to discipline errant officers. It was not apparent to RUELAS and she did not recognize that
18 she was a victim of unlawful discrimination in violation of her civil rights until on or after May
19 2021.

20 13. As a result of defendants' conduct, acts, inactions, omissions, policies, customs
21 and/or practices, plaintiff has suffered and will continue to suffer civil rights violations, bodily
22 injury, humiliation, embarrassment, mental and emotional distress, anxiety and discomfort, has
23 incurred and will continue to incur healthcare and medical expenses, has suffered property
24 damage and loss, and has lost and will continue to lose pecuniary interests and benefits, including
25 wages and employment opportunities, all to her damage in amounts to be proven at trial.

26 14. Defendants TORRENCE and DOES, acting and purporting to act in the
27 performance of official duties and under color of law, intentionally violated plaintiff RUELAS'
28 civil rights, including rights afforded under the Fourth Amendment to the United States

1 Constitution to be secure against unreasonable searches, seizures, and wrongful arrests and
2 detention without probable cause and the Fourteenth Amendment to the United States
3 Constitution guaranteeing due process and equal protection of law, Article I, Section 10 of the
4 California Constitution to be secure against unreasonable searches, seizures, and detention
5 without probable cause, and Article I, Section 7 of the California Constitution, guaranteeing due
6 process and equal protection of law.

7 15. Defendants CITY OF SANGER, SANGER POLICE DEPARTMENT and DOES
8 had and have an official longstanding, widespread, and well-settled policy, practice and/or custom
9 of failing to properly investigate repeated Constitutional violations, including sexual misconduct
10 by police officers including TORRENCE, failing to discipline, reprimand or punish the
11 perpetrators of such Constitutional violations, and permitting and encouraging unlawful
12 discrimination, harassment and retaliation.

13 16. This longstanding, widespread, and well-settled policy, practice and/or custom of
14 the CITY OF SANGER and SANGER POLICE DEPARTMENT and others was so closely
15 related to the deprivation of RUELAS' rights as to be the moving force that caused injury and
16 allowed TORRENCE and others to commit and continue to commit the Constitutional violations
17 herein alleged.

18 17. The conduct of TORRENCE was reckless, callously indifferent to the federally
19 protected rights of plaintiff and/or motivated by an evil intent. TORRENCE intended to cause
20 injury to RUELAS, engaged in despicable conduct with a willful and conscious disregard of the
21 rights and safety of RUELAS, and engaged in despicable conduct that subjected RUELAS to
22 cruel and unjust hardship in conscious disregard of her rights. The conduct of TORRENCE
23 entitles RUELAS to punitive and exemplary damages under 42 U.S.C. section 1983 and other
24 applicable law.

25 18. RUELAS has and will incur attorney fees and costs in the prosecution of this
26 action. RUELAS is entitled to recover those attorney fees and costs under 42 U.S.C. section 1988,
27 subdivision (b), Code of Civil Procedure section 1021.5, and other applicable law.

28

PRAYER

WHEREFORE, plaintiff SALINA RUELAS prays for judgment against defendants as follows:

1. For special damages, including but not limited to, economic damages, lost wages, lost property, medical and healthcare expenses, and attorney fees, in excess of \$75,000 and according to proof against all defendants.

2. For general damages in excess of \$75,000 and according to proof against all defendants.

3. For punitive and exemplary damages according to proof against defendant TORRENCE.

4. For attorney fees, according to proof, pursuant to 42 U.S.C. section 1988, Code of Civil Procedure section 1021.5, and/or any other applicable law against all defendants.

5. For a declaration that defendants' policies, practices and conduct alleged herein violate plaintiffs' rights under the United States and California Constitutions.

6. For orders restraining and enjoining defendants from engaging in the policies, practices and civil rights violations alleged herein.

7. For interest at the legal rate.

8. For costs of suit.

9. For any other and further relief that the Court deems proper.

Date: October 10, 2023 KAPLAN WEISS LLP

/s/ Yitz E. Weiss

By:

Yitz E. Weiss, Esq.
Jonathon Kaplan, Esq.
Attorneys for Plaintiff,
SALINA RUELAS
E-mail:weiss@kaplanweiss.com

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of
3 Civil Procedure.

4 Date: October 10, 2023 KAPLAN WEISS LLP

5 /s/ Yitz E. Weiss
6 By: _____
7 Yitz E. Weiss, Esq.
8 Jonathon Kaplan, Esq.
9 Attorneys for Plaintiff,
10 SALINA RUELAS
11 E-mail:weiss@kaplanweiss.com

12 **CERTIFICATE OF SERVICE**

13 The undersigned counsel hereby certifies that a true and correct copy of the foregoing
14 document has been served on this date to all counsel of record who are deemed to have consented
15 to electronic service via the Court's CM/ECF system. Any other counsel of record shall be served
16 by U.S. Mail, electronic mail, facsimile and/or overnight delivery.

17 /s/ Yitz E. Weiss
18 _____
19 Yitz E. Weiss, Esq.
20
21
22
23
24
25
26
27
28